

## **Exhibit P**

STATE OF NEW YORK OFFICE OF RENT ADMINISTRATION DOCKET NO.: ZSF-410001TC  
 DIVISION OF HOUSING 92-31 UNION HALL STREET  
 & COMMUNITY RENEWAL JAMAICA, N.Y. 11433

### ORDER DENYING FAIR MARKET RENT APPEAL

Mailing Address of Tenant:  
 Name: Diane L. Trummer  
 No. & Street: 680 Riverside Drive-Apt. 3B  
 State, City, Zip: New York, NY 10031

Mailing Address of Owner:  
 Name: Riverside Realty Co., Inc.  
 No. & Street: One Penn Plaza-Suite 4000  
 State, City, Zip: New York, NY 10019

Re: (Address of Housing Accommodations)

No. & Street: 680 Riverside Drive Apt. 3B Municipality & Zip: New York, NY 10031

#### FACTS:

This apartment was formerly subject to the City Rent Law on December 31, 1973. It became decontrolled by virtue of a vacancy occurring after that date and became subject to the Emergency Tenant Protection Act.

The initial rent negotiated between the owner and the first stabilized tenant is subject to a Fair Market Rent Appeal.

The tenant herein took occupancy pursuant to a one year lease commencing on 2/01/2004 and expiring on 1/31/2005 at a monthly rent of \$ 1,275.00.

The tenant filed a timely application alleging that the initial stabilized rent exceeded the apartment's fair market rent.

A copy of the tenant's Fair Market Rent Appeal was served on the owner together with an answer form. The answer form afforded the owner the opportunity to offer for consideration rents of comparable regulated or unregulated apartments in the same area as the subject building. The owner was also afforded the opportunity to submit evidence of any improvements made to the subject apartment after the last rent controlled tenant vacated the unit.

In the owner's response, he submitted a certified mail receipt dated 2/12/2004 alleging that he sent the Initial Apartment Registration (RR-1) to the tenant and the tenant was untimely in filing her complaint on 6/24/2004. However, the owner was requested on 2/9/05 to submit a copy of the RR-1 form that was served on the tenant. To date, the owner has failed to submit a copy of the RR-1 form. Further, the tenant stated that she did not receive the RR-1 form. Therefore, this case is being processed as a Fair Market Rent Appeal.

The owner claimed that he renovated the bathroom and kitchen including plumbing and electrical wiring. A new shower body, ceramic tile, bathtub, vanity, sink, toilet bowl and all accessories in bathroom were installed. A new refrigerator, stove, microwave oven, sub-floor and new floor were installed in the kitchen. New sheet rock was also installed in the entire apartment. The total cost of the claimed improvements, including labor and material is \$24,217.24.

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**DETERMINATION:**

A fair market rent appeal is a challenge to the initial stabilized rent of an apartment. Section 2522.3(e) of the Rent Stabilization Code provides, in substance, that in determining fair market rent appeals, consideration shall be given to the special guidelines promulgated by the New York City Rent Guidelines Board for determining fair market rent appeals and to rents generally prevailing for comparable apartments in buildings located in the same general area as the subject premises. The rents for comparable apartments that may be considered are: (1) unchallenged rents for rent stabilized units or (2) at the owner's option, market rents, as submitted by the owner.

Pursuant to Special Guidelines Order Number 35, which was in effect on the date the first rent stabilized tenant took occupancy, the 2004/05 Maximum Base Rent of \$ 720.94 must be adjusted by an additional 50 % plus the 2004 Fuel Cost Adjustment of \$ 18.87. This results in a rent of \$ 1,100.28.

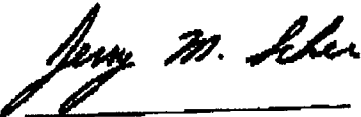
A review of DHCR's rent registration database reveals that the registered rent in effect on 2/1/2004 for Apartment 5B, a 3 room unit in the subject premises was \$ 1,279.26.

Based on the foregoing, the fair market rent for the subject apartment is established at \$ 1,279.26 (the greater of the special guidelines rent or the registered rent for the comparable rent stabilized apartment).

It is noted that since the fair market rent of \$ 1,279.26 exceeds the tenant's initial rent of \$ 1,275.00, it is unnecessary to consider the individual apartment improvements submitted by the owner.

Since the Fair Market Rent as established above, exceeds the initial stabilized rent for the subject apartment, the tenant's Fair Market Rent Appeal is denied.

Issue Date: MAR 24 2005

  
Rent Administrator

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